IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 17152 of 2004

Between:
P. Saradamma W/o P. Govindu
Bhoginepalli Village, Rapthadu Mandal, Anantapur District
..... PETITIONER

AND

1 The Joint Collector, Anantapur (Civil Supplies) Anantapur District
2 The Revenue Divisional Officer, Anantapur, Anantapur District
3 G. Obi Reddy S/o Eswara Reddy
r/o Bhoginepalli village, Rapthadu Mandal, Anantapur District
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the proceedings i.e. Rc. No. K4/ATP/1012/2004, dt 07-09-2004 passed by the 1st respondent by confirming the orders in Rc.No.DiCS/1077/04, dated 13-08-2004 of the 2nd respondent is arbitrary illegal and in violation of principles of natural justice, infraction of provisions enunciated in Andhra Pradesh Public Distribution System (Control) order 2001 and consequently direct the respondents to restore the authorization of petitioner's F.P. Shop Dealership of Bhoginepalli Village, Rapthadu Mandal, Anantapur District.

Counsel for the Petitioner: MR.KUNCHEAMMAHESWARA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3: MR.Y.ASHOK RAJ

The Court at the admission stage made the following:

ORDER:

Petitioner is the authorised dealer in respect of the Fair Price Shop of Bhoginepalli village, Rapthadu Mandal, Anantapur District. The authorisation of the petitioner has been suspended by the Revenue Divisional Officer by order dated 13.08.2004, pending enquiry into the alleged irregularities in distribution of essential commodities to the cardholders. Aggrieved by the same, the petitioner preferred an appeal before the Joint Collector, Ananthapur, first respondent herein. The Joint Collector having entertained the appeal, by order dated 07.09.2004 rejected the application for stay and directed the Revenue Divisional Officer to send the remarks along with the connected records. The said order dated 07.09.2004 is under challenge in this writ petition.

I have heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies appearing for the respondents 1 and 2, and Sri Y.Ashok Raj appearing for the third respondent.

The learned counsel for the petitioner contends

that all the allegations made against the petitioner are false and without any basis and at any rate in view of the nature of allegations made, the Revenue Divisional Officer is not justified in suspending the authorisation of the petitioner, pending enquiry. He also contends that the first respondent failed to take into consideration any one of the contentions raised by the petitioner and mechanically rejected the application for stay.

Admittedly, the order impugned is passed by the first respondent pending the appeal and the main appeal is still pending before him. In the circumstances, I am not inclined to express any opinion with regard to the correctness of the allegations made against the petitioner.

The impugned order being only an interim order passed pending the appeal, the same does not warrant interference by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Instead, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the main appeal pending on his file against the order of suspension dated 13.08.2004 and to pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Needless to mention that

the petitioner shall be given a notice of hearing and the appeal shall be disposed of after hearing the petitioner and other persons concerned.

The writ petition is accordingly disposed of. No costs.

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23.09.2004

Note: Issue CC in two days

(b/o)

VGB

To

1 The Joint Collector, Anantapur (Civil Supplies) Anantapur District
2 The Revenue Divisional Officer, Anantapur, Anantapur District
3 2CCs to the Government Pleader for Civil Supplies, High Court Buildings, Hyderabad (OUT)
4 2CD copies